

**ENVIRONMENTAL PROTECTION COMMISSION  
MINUTES  
GENERAL MEETING/PUBLIC HEARING  
June 7, 2006**

The meeting was called to order at 7:30 p.m. Members present: Chairman Peter Hillman, Reese Hutchison, Ellen Kirby, Pete Kenyon, Susan Cameron, and Ned Lewis.

Staff present: Richard Jacobson

Court Reporter: Bonnie Syat

EPC-42-2006 Christopher and Margaret Stefanoni, 77 Nearwater Lane, proposing to construct an age restricted housing development and requesting a reconsideration of the extreme high water elevation and designation of the regulated inland wetlands.

The Commission determined that a public hearing will be required. Chairman Hillman stated that after discussing potential dates with the members that a special meeting will be scheduled to hear the application on July 19, 2006 at 7:30 p.m. The first portion of the hearing will be devoted to a discussion of the Commission's jurisdiction of the small inland wetland area designated on the plan. The Commission will retain Mr. James MacBroom at the applicant's expense to review this aspect of the application. Rebuttal arguments should be submitted from members of the public in opposition by July 19.

The second portion of the hearing will discuss the merits of the proposal. The Commission may determine that their own engineering consultant and environmental consultant may be necessary. The continuation of the public hearing will tentatively be on August 30, 2006.

Minutes of December 14, 2005. A motion to approve with changes was made by Mr. Hillman. The motion was seconded by Mr. Lewis and passed 5-0 (Ms. Cameron abstained)

Minutes of January 11, 2006. A motion to approve with changes was made by Mr. Hillman. The motion was seconded by Mr. Lewis and passed 5-0 (Ms. Kirby abstained)

Minutes of January 18, 2006. A motion to approve with changes was made by Mr. Hillman. The motion was seconded by Mr. Hutchison and passed 4-0 (Ms. Cameron and Ms. Kirby abstained).

Discussion regarding the Darien High School Project erosion and sediment controls, EPC-49-2001, 80 High School Lane.

Joe Canas of Tighe & Bond reported that he visited the site on Friday. The silt fences and hay bales appeared to be in good condition but need to be extended to protect the softball

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field. The silt sacks and sediment traps are in need of cleaning. Large disturbed areas are in need of mulch.

Chairman Hillman said it is frustrating to continue to go to the building committee to get this work done. The Commission discussed various methods of mulching with Mr. Canas. Mr. Canas will follow up with the contractor.

Cheryl Russell of Holly Lane addressed the Commission. She said the flooding on Holly Lane has been somewhat alleviated by the Town project; however she is still unhappy with conditions at the high school. She provided May 16 photos of silty water during the storm and pictures of today's storm. She said the neighbors are disappointed in the project.

Ms. Cameron explained the ongoing process the Commission has had working with Mr. Canas to correct the situation. She said the work required by Mr. Canas has not been done by the contractor and silt has continued to reach Stony Brook. She said she does not believe the flooding problems have been by the silt from the high school.

Ms. Russell said she believes the silt has caused the flooding. Mr. Hillman requested that Mr. Canas meet with the neighbors. Mr. Canas will report back on the contractor's progress at the next meeting.

Discussion regarding the Darien High School Baseball Field – Informal presentation and Commission questions prior to an application submittal.

Mr. Hillman stated that the discussion of the artificial turf field would be very informal.

Paul Voight explained the process of developing the plan to replace the natural turf field with artificial turf. Joe Canas briefly described the grading and drainage. He said the field will be designed to prevent increases in peak flows for the 2-100 year storms and maintain water quality. Mr. Voight said the Board of Education will discuss the proposed field on June 13.

**Old Business:**

EPC 2-2006, Laurie Stuek, 22 Driftway Lane, proposing demolition of the existing residence and construction of a replacement building and modified driveway and related site development activity within a regulated area.

Mr. Lewis noted that he was not present at the last public hearing and will abstain from voting on this application. A motion was made to approve the draft resolution by Mr. Hillman. The motion was seconded by Mr. Hutchison and passed 5-0 (Mr. Lewis abstained).

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EPC-29-2006, Colin and Eleanor McKay, 19 Winding Lane, proposing a propane tank, stone wall construction and deck within a regulated area.

Scott Duffield and Mrs. McKay represented the applicant. Mr. Duffield said the deck will be constructed over a gravel base to be provided for the propane tank.

A motion was made by Mr. Hillman to approve the application with the stipulation that staff review a planting plan. The motion was seconded by Ms. Cameron and passed unanimously.

EPC-32-2006, Amy E. Reed, 24 Laforge Road, proposing to construct a gravel parking space with associated grading within a regulated area.

Attorney Bruce Hill and Mrs. Reed represented the applicant. Mr. Hill said the parking space was required by the zoning regulations if the garage space is converted to living space. The ZBA denied a variance of the regulation. He submitted a planting plan for the lawn area across the stream.

Mr. Hillman asked Mrs. Reed about the trees removed. Mrs. Reed said one of the trees had dropped a large branch on her car during a storm. The tree on the other side of the stream was dead. She said she did not know that approval was required by EPC before removing the trees.

The Commission discussed the use of grass pavers and a possible bond as conditions of approval. Mr. Lewis made a motion to approve the application with the stipulation that grass pavers be used for the parking space. The motion was seconded by Mr. Hutchison and passed unanimously.

EPC-5-2004 Peter and Patricia Daigle, 5 Royle Road., requesting approval of modified rain garden design.

Mr. Daigle presented the revised rain garden plan which was reviewed and approved by his engineer. Ms. Cameron questioned the water which ponds at the base of the slope adjacent to the rain garden. Mr. Daigle said water ponded there prior to construction of the rain garden.

Mr. Hillman made a motion to approve the modification to the rain garden. Mr. Hutchison seconded the motion and it passed unanimously.

**Public Hearing:**

EPC 22-2006, Thomas and Suzanne Denunzio, 129 Nearwater Lane, proposing to construct a timber pier and floating dock and re-grade and re-vegetate shoreline within a regulated area.

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Ms. Cameron recused herself and left the meeting.

John Roberge, P.E. represented the applicant. Mr. Roberge described the proposal to construct a pier and ramp for a dock. The applicant also proposes to remove concrete and debris along the shoreline and re-vegetate after installing an erosion control mat. He said a dock is something the DEP considers to be permitted as-of-right and the proposed dock conforms to their recommended size of 10' x 10'.

Mr. Hillman asked about the Mean High Water Elevation. Mr. Roberge said MHW is shown as elevation 4.3. Mr. Hillman asked if shore stabilization of this type is encouraged by the DEP. Mr. Roberge said yes, the DEP encourages vegetative cover over structural methods of stabilization. Mr. Roberge said the pier for the dock will be located where there may have been a structure previously.

The Chairman asked if any members of the public wished to speak.

Tomoko Nara of 1 Juniper Road said that the Commission should not permit artificial things to be constructed on Holly Pond.

No other members of the public came forward to speak. The Commission closed the public hearing.

The Commission deliberated on the application. Staff was directed to draft an approval noting that the majority of the work is within tidal wetlands below elevation 4.3; the dock conforms to the 10' x 10' DEP standard; approximately 3 cubic yards of concrete is to be removed; and there will be a net enhancement of 1100 square feet of tidal wetlands.

The Commission resumed discussion of New Business items:

EPC-34-2006 Kevin and Laurie Waldron, 14 Birch Road, proposing tree removal and requesting a modification of the Regulated Wetlands and Watercourses Map to reflect that activities are outside of the regulated area.

No one was present for the applicant and the item was held over.

EPC-35-2006 Giannattasio Builders, 24 Stanton Road, proposing additions to an existing residence and associated construction within the regulated area.

Mr. Giannattasio represented the applicant: He said the deck and proposed house addition are in the rear of the house. The new activity does not encroach closer to the wetland. He said plantings have been proposed and tree clearing has been minimized to trees too close to the existing house.

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A motion to approve the application was made by Mr. Hutchison. The motion was seconded by Ms. Kirby and passed unanimously.

EPC-36-2006 Kelly and Peter Frank, 45 Granaston Road, proposing a second story addition to an existing house and deck construction within the regulated area. Map #15 as Lot #25.

Mr. and Mrs. Frank represented the applicant. The proposed house expansion will be vertical to have the least impact on the upland review area. The Commission previously approved a planting plan along the river.

Mr. Hillman asked about the distance of the closest point of the proposed deck to the wetland. Mr. Frank said 34'. The proposed deck will be 7' wider than the existing deck. Mr. Kenyon asked about the need for erosion and sediment controls. Mr. Frank said the only excavation will be by hand for deck posts.

Mr. Hillman made a motion to approve the application. The motion was seconded by Mr. Hutchison and passed unanimously.

EPC-37-2006 Douglas Webster, 22 Holly Lane, proposing a terrace and landscaping within the regulated area.

The Commission continued this application to the July 5, 2006 meeting.

EPC-38-2006 Mark and Tracy Fox, 135 Brookside Road, proposing an addition to an existing house and associated construction within the regulated area.

Mark Fox appeared on behalf of the applicant. He said they are proposing a small addition within the upland review area and the removal of two trees which are in the patio. Mr. Hutchison asked about location of the air conditioning units. Mr. Fox said they will be located adjacent to the new addition.

Mr. Hutchison made a motion to approve the application with the stipulation that the A.C. units be located close to the new addition. Mr. Hillman seconded the motion and it passed unanimously.

EPC-39-2006 Sean R. Stevens, 17 Oak Park Avenue, proposing additions to an existing house and related construction within the regulated area.

John Anderson of Robinson and Cole represented the applicant. He said the watercourse on the property was previously relocated during the subdivision. The wetland boundary was located by Tom Pietras. The proposed additions to the house connect previous additions and will add approximately 100 square feet of impervious surface. The wetland

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edge of the lawn along the stream has primarily invasive plant species. The applicant is proposing to enhance the wetland area with plantings and removal of invasives.

Mr. Hillman made a motion to approve the application. The motion was seconded by Mr. Hutchison and passed unanimously.

EPC-40-2006 Steven and Amy Saggese, 18 Old Colony Road, proposing additions to an existing residence and landscaping within the regulated area.

Attorney Wilder Gleason represented the applicant. He described a second story addition within the upland review area and a garage expansion in the front of the house. They are proposing wetland plantings and a rain garden. They will also remove encroachments into the adjacent Town park.

Mr. Hillman made a motion to approve the application. The motion was seconded by Mr. Hutchison and passed unanimously.

EPC-41-2006 Felix and Sylvia Callari, BMW of Darien, 126 Ledge Road, proposing to construct parking and a stormwater quality basin within the regulated area.

Attorney Wilder Gleason and Brian McMahon, P.E. from Redniss and Mead represented the applicant. Mr. Gleason said one third of an acre of town property is to be leased for the proposed parking. The Town's current use of the property has compacted the soil which creates runoff to Stony Brook. The parking lot will use a new water quality basin to treat runoff.

Mr. Hillman asked if grass pavers would provide a better solution. Mr. McMahon said it would require over excavation to remove compacted soil. He described the water quality basin and proposed Stormceptor unit which will treat the proposed parking lot runoff and runoff from a parking area which is not currently being treated. The basin will also be planted to provide a natural buffer to the brook which is not present now.

Mr. Jacobson noted that the grass area adjacent to the existing BMW parking lot is being used as an overflow area within the upland review area adjacent to the brook. The applicant agreed to a condition of approval that the grass area will no longer be used for parking.

Ms. Kirby made a motion to approve the application. The motion to approve was seconded by Mr. Lewis and passed unanimously.

EPC-15-2004, 9 Old Oak Road, (Formerly Kevin and Madeline Keesh) Janet and Mark Kindy propose to revise the driveway in the regulated area, provide a gravel turnaround, and add wetland plantings.

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Ed Fitzwilliams, Landscape, represented the applicant. He said they are requesting a gravel turnaround where there is existing lawn. They are removing a section of the existing asphalt and there will be a net reduction in pavement in the upland review area. They are also proposing to plant wetland shrubs.

Mr. Hillman asked if they would consider grass pavers. Mr. Fitzwilliams said they prefer the look of gravel.

A motion to approve was made by Ms. Kirby and seconded by Mr. Lewis. The motion passed unanimously.

EPC-97-2003, Mary Ferrara and Anne Chiapetta , 504 Mansfield Avenue, Request for bond release.

The Commission approved the request for release of the bond.

EPC-88-2002, Whitney and Meredith George, 171 Mansfield Avenue, Request for bond release.

The Commission approved the request for release of the bond.

Planning and Zoning Commission Referrals

The Commission will ask Susan Cameron to review the application of Ann Lunn, 9 Contentment Island Road and provide a report.

The meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Richard B. Jacobson  
Environmental Protection Officer